

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PENNY S. LAKE,

Plaintiff,

v.

No. 12-cv-14976

Hon. George Caram Steeh

DR. SALVATORE CAVALIERE,
LIFESTYLE LIFTS HOLDING, INC.,
and LIFESTYLE LIFTS HOLDING II,
INC. d/b/a LIFESTYLE LIFTS,

Defendants.

_____ /

ORDER VACATING MARCH 21, 2013 MINUTE ORDER GRANTING
DEFENDANT DR. SALVATORE CAVALIERE'S MOTION TO DISMISS (#14)
AND PERMITTING LIMITED DISCOVERY ON THE NOTICE ISSUE

This is a medical malpractice action. On March 21, 2013, following briefing by the parties, the court held oral argument on defendant Cavaliere's motion to dismiss for failure to comply with MCL 600.2912b. The same day, the court entered a minute order indicating the motion was granted. The parties conducted a telephone conference with the court on March 22, 2013, during which time plaintiff's counsel requested additional time to conduct discovery relating to defendant Cavaliere's assertion that he did not receive notice as required by MCL 600.2912b. The court during the March 21, 2013 oral argument had offered such an opportunity to plaintiff and it was agreed that discovery would be permitted plaintiff on the issues relating to notice for a period of 45 days. Following discovery on this issue, the court and counsel will have a telephone status conference that will address the need, if any, for further briefing or oral argument.

Accordingly,

IT IS ORDERED that the March 21, 2013 minute order granting defendant Cavaliere's motion to dismiss is VACATED and plaintiff shall have until May 28, 2013 to conduct limited discovery relating to defendant Cavaliere's MCL 600.2912b notice. The court will conduct a telephone status conference with counsel on May 30, 2013 at 1:30 p.m.

Dated: March 25, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 25, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk